

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5405

AN ORDINANCE authorizing and providing for the City to enter into assessment reimbursement contracts for street projects under RCW Chapter 35.72; and establishing application, reimbursement and processing procedures.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 14.62 is hereby added to the Bellevue City Code, to read as follows:

14.62.010 Assessment Reimbursement Contracts - Authorized. As provided in RCW Chapter 35.72, the City may contract with the owners of real estate for the construction or improvement of street projects which the owners elect to install as a result of ordinances that require the projects as a prerequisite to further property development. Such contracts shall provide for reimbursement in accordance with RCW 35.72.020 and RCW 35.72.030.

14.62.020 Application for Contract - Fees. An owner of real estate may request an assessment reimbursement contract by filing an application with the City. The applicant shall pay all processing fees in accordance with all applicable city ordinances or resolutions. If a hearing is requested before the Hearing Examiner under Section 14.62.040 hereof, the applicant shall pay to the City its actual costs for the Hearing Examiner.

14.62.030 Processing of application - Preliminary Determination. In accordance with RCW 35.72.040, the Transportation Department shall formulate an assessment reimbursement area including those parcels adjacent to the improvements which would require similar street improvements upon development. The preliminary determination of assessment area boundaries, along with a description of the property owners' rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area.

14.62.040 Right to Hearing. If any affected property owner requests a hearing in writing within twenty (20) days of the mailing of the preliminary determination, a hearing shall be held before the Hearing Examiner, notice of which will be given to all affected property owners by mail not later than fourteen days prior to the hearing. The Examiner, following the hearing, shall make written findings and conclusions and a recommendation to the City Council.

14.62.050 **Decision by City Council.** The City Council shall consider the recommendation of the Examiner at a public meeting in accordance with City Council rules for considering appeals, and shall make a decision which shall be determinative and final. If no hearing is requested under Section 14.62.040, the contract will be considered by the City Council at a public meeting.

14.62.060 **Filing of Contract.** If the contract is approved by the City Council, it shall be filed by the Transportation Department with the King County Department of Records and Elections within thirty (30) days of final execution and shall be binding on all property owners of record within the assessment area who are not parties to the contract, and their successors in interest.

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 5th day of August, 2002, and signed in authentication of its passage this 5th day of August, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published August 9, 2002